



PROCLAMATION

04/28/2009

State of Emergency - Swine Flu

PROCLAMATION

by the
Governor of the State of California

WHEREAS the World Health Organization has reported an outbreak of hundreds of cases of non-seasonal influenza, including the H1N1 Swine Flu, in the Federal District of Mexico City and the surrounding Mexican states, causing multiple deaths; and

WHEREAS the first potential case of H1N1 Swine Flu was detected in California on April 18, 2009, and was subsequently confirmed; and

WHEREAS additional cases of the H1N1 Swine Flu have been detected in California, and have now been found in several other states; and

WHEREAS the evidence to date from reported human infections in Mexico indicates that the H1N1 Swine Flu Virus has adapted itself to humans so that it can emerge and spread from one person to another; and

WHEREAS the World Health Organization has raised its pandemic alert for the H1N1 Swine Flu Virus to phase four, two steps short of a full pandemic; and

WHEREAS the United States Department of Health and Human Services has declared a public health emergency, and President Obama has explained that the declaration was needed as a precautionary tool to make sure that the federal government has appropriate resources to combat the spread of the virus; and

WHEREAS the spread of the virus poses a threat to property in the state due to illness-related absenteeism, particularly among public safety and law enforcement personnel and persons engaged in activities and businesses critical to the economy and infrastructure of the state; and

WHEREAS state and local health departments must use all preventive measures, which will require access to available services, personnel, equipment, and facilities, to respond to the H1N1 Swine Flu; and

WHEREAS the H1N1 Swine Flu constitutes a potential epidemic under section 8558(b) of the Government Code that, by reason of its magnitude, is beyond the control of the services, personnel, equipment and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, in accordance with the authority vested in me by the California Constitution and the California Emergency Services Act, and in particular California Government Code sections 8558(b) and 8625, find that conditions of extreme peril to the safety of person and property exists within the State of California and **HEREBY PROCLAIM A STATE OF EMERGENCY** in California.

Pursuant to this Proclamation, I issue the following orders to be effective immediately:

IT IS HEREBY ORDERED that all agencies and departments of state government utilize and employ state



personnel, equipment, and facilities as necessary to assist the California Department of Public Health and the Emergency Medical Services Authority in immediately performing any and all activities designed to prevent or alleviate illness and death due to the emergency, consistent with the State Emergency Plan as coordinated by the California Emergency Management Agency.

IT IS FURTHER ORDERED that the Department of Public Health and the Emergency Medical Services Authority enter into such contracts as it deems appropriate to provide services, material, personnel and equipment to supplement the extraordinary preventive measures implemented by local jurisdictions, if needed.

IT IS FURTHER ORDERED that, pursuant to Government Code sections 8567 and 8571, the provisions of the Government Code, the Public Contract Code, the State Contracting Manual and Management Memo 03-10, and all policies applicable to state contracts for all agencies and departments of state government, including, but not limited to, advertising and competitive bidding requirements and approvals for non-competitively bid contracts, are hereby temporarily suspended with respect to contracts to provide services, material, personnel and equipment to respond to the emergency to the extent that such laws would prevent, hinder, or delay prompt mitigation of the effects of this emergency.

IT IS FURTHER ORDERED that, pursuant to Government Code section 8567 to ensure adequate availability of technical personnel, I am invoking Standby Order Number 1, which waives the period of time permissible for emergency appointments for the hiring of necessary emergency personnel.

IT IS FURTHER ORDERED THAT pursuant to section 8571 of the Government Code, the certification requirement of section 1079 of title 17 of the California Code of Regulations is suspended as to all persons who meet the requirements under the Clinical Laboratory Improvement Amendments of section 353 of the Public Health Service Act for high complexity testing and who are performing analysis of samples to detect H1N1 Swine Flu in any certified public health laboratory.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this the 28th Day of April 2009.

ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:
DEBRA BOWEN
Secretary of State